

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:24-cv-00139-MR**

SAI ROSE,

Plaintiff,

vs.

AFG DISTRIBUTION, INC.,

Defendant.

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ORDER

THIS MATTER is before the Court on the Plaintiff's Motion for Reconsideration to Proceed without Prepaying the Costs and Request to File Electronically as Amended [Docs. 7, 9].

The Plaintiff asks to Court to reconsider its prior Order [Doc. 6] denying the Plaintiff's Amended Application to proceed with this civil action without having to prepay costs. [Doc. 7]. In that Order, the Court, for the second time, ordered the Plaintiff to amend his application on the grounds that it did not provide all of the information that the Court requires to determine whether the Plaintiff has sufficient resources from which to pay the filing fee for this action. In his current Motion, the Plaintiff, however, argues that the deficiencies named by the Court in his application are explained by the fact that he "does not have any additional expenses paid by his parents," and

“incurs minimal expenses, primarily limited to utilities.” [Doc. 7]. On his previous applications, the Plaintiff has left much of the form blank, and claimed he has no monthly expenses and only receives income from food stamps. [See Docs. 2, 5]. The Court has requested basic information about the Plaintiff’s typical expenses in order to adequately assess the Plaintiff’s financial resources. While the Plaintiff makes various arguments as to his lack of resources in his present Motion, he still fails to provide any specific information about the sources of income for his minimal expenses or any details of such expenses.

In its prior Order, the Court gave the Plaintiff thirty (30) days to either provide an amended application or pay the full filing fee. [Doc. 6]. Because that Order was entered on May 28, 2024, the Plaintiff had until June 27, 2024, to do the same.

Consequently, the Plaintiff’s motion is denied, and the Court will grant the Plaintiff a limited extension until July 11, 2024, to file an amended application or pay the full filing fee. If neither filing is made, the Court will dismiss this action without prejudice. If the Plaintiff chooses to refile his action, he should expect to comply with the requirements articulated by the Court herein.

Finally, the Plaintiff seeks permission to use electronic filing in this matter. Parties who are proceeding *pro se* are not permitted to file documents electronically. See Administrative Procedures Governing Filing and Service by Electronic Means, at 3 (W.D.N.C., rev. Dec. 1, 2022). Electronic filing is available only to attorneys who have been admitted to the Bar of this Court. Attorneys are required to take a course before utilizing the ECF system. These restrictions are necessary to ensure that the system is used in an appropriate manner. While the Court understands that the costs incurred in manual filing may be burdensome considering the Plaintiff's limited financial resources, such expenses are "simply unavoidable." Reid v. State of North Carolina, No. 3:09-cv-541-RJC-DCK, 2010 WL 890263, at *5 (W.D.N.C. Mar. 8, 2010) aff'd sub nom, Reid v. North Carolina, 382 F. App'x 258 (4th Cir. 2010). In the exercise of its discretion, however, the Court will grant the Plaintiff the right to receive notice via e-mail whenever a pleading or other paper is filed electronically in this matter. Id.

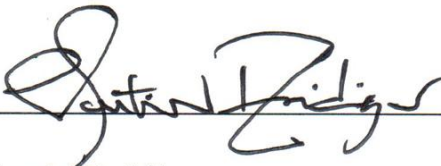
IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Reconsideration to Proceed without Prepaying the Costs and Request to File Electronically as Amended [Docs. 7, 9] is **DENIED**. However, the Court will grant the Plaintiff the right to receive notice via e-mail whenever a pleading or other paper is filed electronically in this matter. Should the Plaintiff elect

to receive such notifications, the Plaintiff shall provide his e-mail address to the Clerk's Office.

IT IS FURTHER ORDERED that the Plaintiff shall file another Amended Application or pay the full filing fee by July 11, 2024. **Failure to file an Amended Application or pay the full filing fee within the time required will result in the dismissal of this action without prejudice.**

IT IS SO ORDERED.

Signed: July 1, 2024



Martin Reidinger
Chief United States District Judge

